REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-20 were rejected in the September 20, 2006 Office Action.

Claims 1, 4, 7, 10-14 and 17-20 were amended herein

Claims 1-20 remain pending in this application.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable to U. S. Patent No. 6,563,837 to Krishna, et al. (hereinafter "Krishna"). The Applicant respectfully traverses this rejection.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). Absent such a prima facie case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Independent Claims 1, 4, 7, and 14 currently require similar features including, for example, that the "N input buffers are internal to said switch fabric" and that "N output buffers are internal to said switch fabric". These claims also require receiving or storing "incoming fixed-size data packets" at a "first data rate" at or in "N input buffers" and outputting the "fixed-size data packets" at a "second data rate equal to at least twice" the first data rate. These claims also recite receiving or transferring "fixed-size data packets" at the "second data rate" at or to "N output buffers" and outputting the fixed-size data packets at the "first data rate." Several of these features are not taught or disclosed in *Krishna*.

First, *Krishna*, in column 6, lines 60-61 and Figure 1, teaches that a switch fabric 89 may be implemented a crossbar in one embodiment. There is, however, no teaching or disclosure of N input buffers are internal to said switch fabric" and that "N output buffers are internal to said switch fabric". In fact, *Krishna* teaches in column 7, lines 5-8 and Figure 1, that each input port 50, 51, and 52 has virtual output queues (VOQ's) 56, 57 and 58, each containing input buffers "a" through "d". Thus, input buffers "a" through "d" are <u>not</u> internal to switch fabric 89, as currently required by the claims of the present application.

Similarly, *Krishna* teaches in column 7, lines 7-10 and Figure 1, that each output port 59, 60 and 61 has an output port queue 65 containing output buffers "a" through "d" for storing data for transmission to output data links 62, 63 and 64, respectively. Thus, output buffers "a" through "d" are not internal to switch fabric 89, as currently required by the claims of the present disclosure.

Second, *Krishna*, in col. 8, lines 34-48, indicates that the packets may arrive on "input data links" at a certain data rate and that the switch fabric can have a different data rate. *Krishna*

also describes, in col. 8, lines 1-15, that the output data links "unload" at some rate but does not specify the rate (whether it could be the same as the input data rate). In another location, *Krishna* includes an odd quoted statement about the "capacity" of the input and output links but does not appear to indicate that this has anything to do with a data rate.

Contrary to the Examiner's assertions that *Krishna* discloses inputting packets at a certain data rate (col. 8, lines 34-35) and unloading packets onto output data links according to the speed of those output data links (col. 8, lines 10-15), *Krishna* fails to teach or suggest that the "certain data rate" of the input data links is related at all to the "speed of the output data links". Certainly there is no teaching or suggestion that they are the same speed, and in fact, the clear implication of the combination of the cited passages is that these are two different rates.

The Examiner has failed to show that the claim limitations are taught by *Krishna*, and has similarly failed to show any motivation at all to make the specific modification to *Krishna* that is necessary to meet the claim limitations. The motivation to combine or modify must be specific to the actual teachings sought to be combined. As such, independent Claims 1, 4, 7, and 14 distinguish over all art of record, so all dependent claims must, also, and all claims should be allowed.

Prompt reconsideration and allowance of Claims 1-20 is respectfully requested.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS P.C.

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William A. Munck
Reg. No. 39,308

P. O. Box 802432
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *wmunck@munckbutrus.com*